

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 19, 2001
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Gale, Lambke, Martz, Pisciotte, present. Council Members Fearey, Lambke; absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Charles Claycomb, Woodland United Methodist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of June 12, 2001, were approved 5 to 0. (Fearey, Lambke; absent)

UNFINISHED BUSINESS

**ZON2000-00006 AND
CUP2000-00054**

ZON2000-00006 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL; AND CUP2000-00054 DP-08 AMENDMENT #9 – AMENDMENT TO THE UNIVERSITY GARDEN COMMUNITY UNIT PLAN TO ALLOW INDOOR STORAGE OF CONSTRUCTION AND EQUIPMENT AND VEHICLES AS A PERMITTED USE ON PARCEL TWO, LOCATED AT THE NORTHEAST CORNER OF 21ST STREET NORTH AND OLIVER. (District I)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0530.

The applicant is proposing to rezone Parcel 2 from “LC” Limited Commercial to “GC” General Commercial and to amend DP-8 University Gardens Community Unit Plan to allow Parcel 2 to be used as a contractor’s storage yard.

A contractor’s storage yard is part of the use classification of “construction sales and services” in the Unified Zoning Code. Construction sales and service requires “GC” rather than “LC” zoning unless it is primarily a retail rather than wholesale or service use, and it complies with outdoor display and storage requirements of “LC” (Art. III, Sec. III-D.6.bb.). As proposed by the applicant, the use does not meet the criteria of being primarily a retail business. The nature of the proposed use is that of a warehouse/storage facility for a construction firm.

Parcel 2, the application area, is located at the northeast corner of DP-8 University Gardens along Pinecrest. Currently, there is an existing building on the southern portion of Parcel 2, owned by the applicant. Breakthrough Ministries Church (tenant), Harrold E. Jones Attorney’s Office (tenant), and Pop’s Laundromat occupy the existing building.

The applicant is seeking to expand this building, or build a second building, on the northern portion of the parcel. It would be used for the storage of construction equipment, materials and vehicles. It is our understanding that the metal building would be approximately 80X100 square feet in size, and with an open area of approximately 80 feet between the building and the property line. It would open toward the west (Storage USA). The applicant would build a brick wall 10 feet back from the east property line along Pinecrest, connecting with the existing wall on the north property line of the shopping center,

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and connecting with the existing buildings. The area between the wall and the property line would be landscaped.

University Gardens was once the location of a Dillons, K-Mart, Revco, and other small tenants in the main building of the shopping center. The Dillons site has been converted to a multi-tenant structure for entrepreneurs and start-up businesses, currently including Oliver's Collectibles, Designers Connection, and Via-Net Transcriptions. The K-Mart building was converted to Storage USA Self-Storage (climate-controlled indoor storage only).

The existing building on Parcel 2, was originally a Kinko's, then changed first to Olan Mills and subsequently to Dollar General. A dentist's office is located near the intersection of 21st and Oliver. Two fast-food restaurants are located near the intersection of 21st and Pinecrest (south of Parcel 2, the application area). These are a Taco Tico and Cora's Homestyle Cooking (formerly Sonic).

The types of land uses in the surrounding area varies in each direction, with a wide mix of uses; however, all are of relatively lower zoning intensity than that requested by the rezoning. Wichita State University is located to the southwest of 21st and Oliver, with the golf course being the nearest use to the shopping center, and providing a park-like atmosphere to the area. The baseball complex is west of the golf course. A large-lot residential development is located to the northwest.

Immediately north of the shopping center is the Tall Oaks Apartment Complex. The tennis courts and swimming pool are immediately adjacent to the proposed location of the building that would be used for construction vehicles, equipment and supplies. A single-family subdivision, Prairie Hills, is located north of Tall Oaks.

Located to the northeast of Parcel 2 there is a 32-unit senior housing project, Pinecrest Senior Residences, and an eight-unit complex for group housing, Pinecrest Court. This is also the future site for Breakthrough Ministries Church which is currently a tenant in the existing building on Parcel 2 (the application area). There is also a cell tower to the northeast. Immediately east is another warehouse, self-service storage.

There are a large variety of uses to the south and southeast also, including Unity Church and River Community Church on the southeast corner of 21st and Oliver, some offices and small apartment units. Three other uses merit mentioning. These are a convalescent care facility (Integrated Health Systems), the Cerebral Palsy Research Foundation of Kansas, and the Timbers, which offers housing for handicapped persons and has a large number of residents who are confined to wheelchairs. These residents utilize the sidewalks along 21st to travel to shopping areas for their shopping needs.

Staff recommended denial of the request, believing it was not in character with surrounding uses and could discourage the efforts to revitalize the shopping area.

DAB I heard this case on February 5, 2001, and voted (7-2) to deny the request. At the DAB meeting, representatives of the Chisholm Creek Neighborhood Association and several other citizens spoke in opposition to the request. Objections by DAB members included the applicant's non-compliance with current zoning codes, lack of upkeep of existing facilities on the site, and the inability of the applicant to work with the neighborhood association.

MAPC voted (6-4) to defer the case on February 8, 2001 after extensive public comments, both pro and con, for the application. Those in favor indicated the construction of the building for indoor storage of construction vehicles and equipment would be an improvement from the current situation with the existing building that not in good repair and the open storage. Those in opposition indicated that the open storage has been in violation of the Unified Zoning Code and that repeated attempts had been made to have the property owner correct the deficiencies in the past. Chisholm Creek Neighborhood Association spoke in opposition; a representative from the apartments to the north, Tall Oaks, but indicated she was unsure of her position.

At the MAPC meeting held March 22, 2001, MAPC voted (8-6) to approve the modified request to "GC" General Commercial for the pad site of the proposed building, and to amend the C.U.P. for Parcel 2 to be limited to indoor storage of construction equipment and vehicles only inside the building that is

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zoned "GC" General Commercial, with no outdoor storage of construction equipment, vehicles or materials of any kind permitted. Representatives of Chisholm Creek again restated their opposition, particularly because they felt it would hamper attracting new retail activities to the shopping center. The attorney for Tall Oaks indicated that they were opposed to the request.

On April 24, 2001, the City Council returned the case to District Advisory Board I (DAB), based on the applicant's contention that several facts in the case had changed from those the DAB had originally reviewed. On June 4, 2001, DAB I reconsidered the Item and voted 9 to 1 to recommend approval of the application of the zone change request to Office Warehouse, subject to conditions.

Motion --

Brewer moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the DAB I for Office Warehouse be approved, subject to the DAB I conditions, and the Ordinance be placed on first reading. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.010, introduced and under the rules laid over.

NEW BUSINESS

IRB - CAMBRIDGE

AMENDMENT OF LETTER OF INTENT – CAMBRIDGE SUITES HOTEL EXPANSION.
(District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-0748.

On March 27, 2001, the City Council approved a Letter of Intent to issue Industrial Revenue Bonds for Cambridge Suites, a Wichita-based hotel managed by Candlewood Hotel Co., Inc., in the amount of \$2 million and a five-year 100% property tax abatement on all bond-financed property not currently on the tax rolls. The bond proceeds will be used for the purpose of constructing, equipping and additions to the hotel complex, located at 120 W. Orme in downtown Wichita. Cambridge Suites wishes to change the name of the legal entity that will serve as Tenant in the IRB Lease to Wichita Residence, a General Partnership.

Cambridge Suites' decision to substitute a different legal entity (Wichita Residence) for the entity originally listed in the request for a Letter of Intent and tax abatement results in the need to repeat certain steps in the IRB authorization process in order to ensure the legality of the proceedings. A new notice has been published in the City's official newspaper and letters sent to the Board of County Commissioners and USD No. 259, stating that the City Council will hold a public hearing and reconsider the letter of intent and tax abatement request.

There is no financial impact on the City resulting from the request.

Bond documents will be reviewed by the Law Department and approved as to form prior to the issuance of any bonds pursuant to the letter of intent.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- Brewer moved that the public hearing be closed; the amendment to the Letter of Intent be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

DRIVER'S LICENSES **AMENDMENTS TO SECTION 11.42.030 OF THE CODE OF THE CITY OF WICHITA REGARDING DRIVING ON A SUSPENDED OR REVOKED LICENSE**

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 01-0749.

Recently, the State legislature amended the state statute pertaining to driving on a suspended or revoked driver's license. The amendments were required to nullify a recent Kansas Supreme Court opinion that found only those holding driving privileges through the State of Kansas, which were subsequently suspended or revoked, could be charged for that violation under state statute. Those with generated or out-of-state driver's licenses, which were suspended or revoked, could not be criminally prosecuted for violations of the driving while suspended statute. The amendments to state statute correct that problem by specifically making it a violation of the law to drive while one's privilege to do so has been suspended or revoked, as well as a violation to drive while one's privilege to obtain a driver's license has been suspended or revoked. The amendments to city ordinance are required in order to charge a similar offense through municipal court. The penalty provisions have not been amended.

It is necessary to amend city ordinance to conform to the amendments contained in K.S.A. 8-262, driving on a suspended license, or while one's privilege to obtain a license has been suspended or revoked.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the Declaration of Emergency be approved; the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

ORDINANCE NO. 44-997

An Ordinance amending Section 11.42.030 of the Code of the City of Wichita, Kansas, pertaining to additional unlawful acts, driving while license suspended, canceled, or revoked. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. (Fearey, Lambke; absent) Yeas: Brewer, Gale, Martz, Pisciotte, Knight.

DUI **AMENDMENTS TO SECTION 11.38.150 OF THE CODE OF THE CITY OF WICHITA REGARDING DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.**

Gary Rebenstorf Director of Law reviewed the Item.

Agenda Report No. 01-0750.

The State legislature recently amended the Driving Under the Influence of Alcohol and/or Drugs, found at K.S.A.8-1567. City ordinance needs to be amended to conform with the penalty provisions and prior conviction definitions, as contained in K.S.A. 8-1567. The effective date of the state law change is July 1, 2001. The ordinance must be changed to avoid being less restrictive than state law.

It is necessary to amend city ordinance to conform to the amendments contained in K.S.A. 8-1567, driving while under the influence of alcohol and/or drugs.

The mandatory minimum fine for a first offender has been increased by the State legislature from \$200 to \$500. The maximum fine for a first offender has been increased from \$500 to \$1,000. The

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mandatory minimum fine for an offender with a second offense increased from \$500 to \$1,000. The maximum fine for a second offender increased from \$1,000 to \$1,500.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the Declaration of Emergency be approved; the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

ORDINANCE NO. 44-998

An Ordinance amending Section 11.38.150 of the Code of the City of Wichita, Kansas, pertaining to driving under the influence of alcohol and/or drugs. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 5 to 0. (Fearey, Lambke; absent) Yeas: Brewer, Gale, Martz, Pisciotte, Knight.

GRAFFITI.

ORDINANCE AMENDING CITY CODE – LITTER AND GRAFFITI.

Matt Jordan

Assistant to the City Manager reviewed the Item.

Agenda Report No. 01-0751.

The City of Wichita has experienced increasing occurrences of littering, illegal dumping, and vandalism that harms the community's image and causes environmental damage. Moreover, significant costs are borne by taxpayers, approximately \$1.6 million by the City last year alone, collecting litter and debris and repairing vandalism to public property.

These factors necessitate City actions to increase its efforts to curb littering and illegal dumping by initiating the "Don't Trash Wichita" Campaign. This campaign consists of: ordinance revisions to increase penalties for littering, illegal dumping, and vandalism offenses; a major public relations campaign to promote prevention and awareness; and greater emphasis on partnerships with neighborhood and community groups to increase volunteer clean-up activities. The intended outcomes will be a cleaner community, lower costs to taxpayers and better environmental conditions.

The environmental harms caused by these violations are expected to come under greater scrutiny in the future. In 1998, the City of Wichita was granted a National Pollutant Discharge Elimination System Permit by the U.S. Environmental Protection Agency. As part of the permit issuance, it was required that a review of existing littering and pollution controls be completed to determine the effectiveness of existing measures and to examine if additional measures were required to prevent pollution, litter and other debris from entering into the City's stormwater system. The permit is to be renewed in 2002.

A Task Force was formed with City staff from the Police, Public Works, Health and Central Inspection Departments to consider the issues related to the NPDES permit, as well as other concerns with increasing incidents of littering and illegal dumping within the City.

The Task Force has presented the following recommendations:

- 1) Review ordinances to determine the feasibility of joint enforcement of violations on public and private property;
- 2) Review ordinances to determine if more stringent penalties were needed to discourage would be offenders.
- 3) Review ordinances (graffiti, criminal damage to property) to determine if mandatory penalties or community service should be imposed on offenders for violations;
- 4) Examine more effective methods of abating litter and illegal dumping throughout the City;

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5) Develop a partnership with local businesses to develop public awareness regarding the costly impacts of littering and illegal dumping.

The proposed amendments enact separate ordinances for littering and illegal dumping. The ordinances provide for increased mandatory penalties for littering and illegal dumping of trash and debris. The Municipal Court is given authority to order community service as a sanction for offenders convicted of illegal dumping or graffiti charges. Additionally, authorization is given to develop a reward program for citizens who report incidences of illegal dumping within the City.

The amendments also allow for joint enforcement of these Codes by employees of the Police, Public Works, Health and Central Inspection Departments.

The aforementioned amendments complement existing City ordinances dealing with trash, garbage and other debris. Currently, the Health Department has the responsibilities to monitor these types of violations, as set forth in Chapter 7 of the City Code. The Health Department remains responsible for the abatement of these types of nuisances. Additionally, Public Works has authority to issue citations for the placement of grass, garbage and debris in the City's stormwater system, as set forth in the ordinances contained in Chapter 16.32.

These enforcement mechanisms remain in place and are not altered by the proposed amendments. Specifically, the City's Health and Nuisance Codes cover other violations including: licensing of waste haulers, recycling, necessity for adequate storage and removal of trash, requirements for trash receptacles, proper disposal of hazardous waste and prohibitions against storage of residential bulky waste. Lastly, existing Stormwater Ordinances prohibit the disposal of any sewage, household hazardous waste, garbage, yard waste or other chemicals into the storm drain system.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 5 to 0. (Fearey, Lambke; absent)

ORDINANCE

An Ordinance amending Sections 5.44.010 and 5.44.020, creating Sections 5.44.030, 5.44.040, 5.44.050 and 5.44.060 of the code of the city of Wichita, Kansas, pertaining to littering and repealing the originals of Sections 5.44.010 and 5.44.020, introduced and under the rules laid over.

EMS STUDY

CITY-COUNTY STUDY OF EMERGENCY MEDICAL SERVICES.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-0752.

The City previously issued a Request for Proposals (RFP) for the selection of a consultant to review emergency medical services in Wichita, and to make recommendations as to options available to the City in providing such services in the future. The County initiated meetings with City officials to determine the desirability of a joint study.

As a result of the meetings, representatives from Sedgwick County and the City have determined to partner in the management and conduct of a study of the emergency medical service system. The scope of services with the selected consultant (HealthAnalytics) was modified to reflect an expanded scope of services.

The new Scope of Services will include a review of emergency medical services in and outside Wichita. The Scope is based on reviewing service delivery methods in other U. S. communities, providing measurable performance standards upon which service levels can be evaluated; presenting alternative emergency medical services system designs, and outlining the impact on measurable performance

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standards that each alternative would provide. The Medical Society and Board of Health will be involved in the study, as well as staff from the City and County.

The cost of the study will not exceed \$106,000. The City and County will each pay \$53,000 (the previous City-only study would have cost the City \$89,000). The City's share will be paid from the General Fund Research & Development account.

The contracts will be subject to approval as to legal form by the Department of Law.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved, subject to approval as to legal form by the City Attorney; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

CITY COUNCIL AGENDA

APPOINTMENTS

APPOINTMENTS:

Motion --
-- carried

Brewer appointed Jerry Key (Art and Design Board) and moved that the appointment be approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

Motion --

-- carried

Gale appointed June Bailey (Park); Kim Edgington (Historic Preservation); Ed Koon and Karl Peterjohn (Library); Peggy Bennett (Sister Cities); Colleen Didier (WER); John Frazee (Public Building); Charlotte Hayes (Health); and Ed Koon, Jerry McGinty, Wayne Wells, June Bailey, Dorman Blake, Paul Ward, and Bea Vickers (DAB IV), and moved that the appointments be approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

Motion --
-- carried

Pisciotta appointed Nancy Ogle (Library); David Moses (P & F); and Larry Frutiger (DAB II Alternate), and moved that the appointments be approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

Motion --
-- carried

Martz appointed Stan Sheldon (Historic Preservation) and moved that the appointment be approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

Motion --

-- carried

Knight appointed Tony Zimbleman (Codes Standards and Appeals); Bradley Tideman (Zoning); Carolyn Conley (P&F); and Mike Hastings (WER), and moved that the appointments be approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

CONSENT AGENDA

Knight moved that the Consent Agenda be considered as consensus Items and approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 18, 2001.

Bids were opened June 15, 2001, pursuant to advertisements published on:

Lateral 22, Main 13, War Industries Sewer to serve One Kellogg Place Second Addition - south of Kellogg, east of Greenwich. (468-83235/743871/480559) Does not affect existing traffic. (District II)

Wildcat Construction - \$191,578.00 (Negotiated to Engineer's Estimate)

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Water distribution system to serve The Lochs at Aberdeen - north of 21st Street North, east of 119th Street West. (448-89555/735015/470685) Does not affect the existing traffic. (District V)

Mies Construction - \$70,503.75

2001 Sanitary Sewer Reconstruction Program Phase 5 - east of Webb Road, north and south of Central Avenue. (468-83258/620320/661444) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$172,131.00

Lateral 1, Main 19, Southwest Interceptor Sewer to serve Ridge Port North Third and Fourth Additions - east of Ridge, south of 37th Street North. (468- 83167 /743858/ 480546) Does not affect the existing traffic. (District V)

WB Carter Construction - \$204,731.00

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: HVAC Equipment. (097027)

AMSCO Supply - \$495.00 (Item 1/per each)
\$516.00 (Item 2/per each)
\$565.00 (Item 3/per each)
\$612.00 (Item 4/per each)
\$677.00 (Item 5/per each)
\$789.00 (Item 6/per each)
\$136.00 (Item 7/per each)
\$136.00 (Item 8/per each)
\$152.00 (Item 9/per each)
\$152.00 (Item 10/per each)
\$184.00 (Item 11/per each)
\$184.00 (Item 12/per each)
\$ 30.00 (Item 13/per each)
\$ 30.00 (Item 14/per each)
\$ 30.00 (Item 15/per each)
\$ 35.00 (Item 16/per each)
\$ 35.00 (Item 17/per each)
\$ 45.00 (Item 18/per each)
\$ 18.00 (Item 19/per each)
\$ 22.00 (Item 20/per each)
\$328.00 (Item 21/per each)
\$386.00 (Item 22/per each)
\$ 25.00 (Item 23/per each)
\$365.00 (Item 24/per each)
\$449.00 (Item 25/per each)
\$ 30.00 (Item 26/per each)

HEALTH DEPARTMENT/PERSONAL HEALTH DIVISION: Pap Smear Reports. (143008)

Affiliated Medical Services - \$15.00 (Group 1A-alternate bid/total per each)

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VARIOUS DEPARTMENTS: Overhead Door Repair. (037200)

Cheney Door Co., Inc. - \$42.00 (Item 1/one person per hour)
\$78.00 (Item 2/two persons per hour)

HEALTH DEPARTMENT/PERSONAL HEALTH DIVISION: Microcuvettes. (676063)

Hemocue, Inc. - \$20,300.00 (Total net bid)

WICHITA TRANSIT DEPARTMENT: Uniforms. (160002)

Industrial Uniform Co. - \$ 38.00 (Group 1-item 1/per pair)
\$ 30.50 (Group 1-Item 2/per pair)
\$ 38.00 (Group 1-Item 3/per pair)
\$ 30.00 (Group 1-Item 4/per pair)
\$ 28.25 (Group 1-Item 5/per each)
\$ 23.00 (Group 1-Item 6/per each)
\$ 22.50 (Group 1-Item 7/per each)
\$ 4.50 (Group 1-Item 8/per each)
\$ 4.50 (Group 1-Item 9/per each)
\$ 4.50 (Group 1-Item 10/per each)
\$ 20.00 (Group 1-Item 11/per pair)
\$ 9.25 (Group 1-Item 12/per each)
\$ 99.75 (Group 1-Item 13/per each)
\$ 31.75 (Group 1-Item 14/per each)
\$ 34.50 (Group 1A-Item 15/per pair)
\$ 34.50 (Group 1B-Item 16/per pair)
\$ 80.00 (Group 1C-Item 17/per each)
\$139.50 (Group 1D-Item 18/per each)
\$ 12.25 (Group 2-Item 19/per each)
\$ 17.75 (Group 2-Item 20/per each)
\$ 17.50 (Group 2-Item 21/per each)
\$ 17.05 (Group 2-Item 22/per each)
\$ 34.50 (Group 2-Item 23/per each)
\$ 24.25 (Group 2-Item 24/per each)
\$ 5.00 (Group 2-Item 25/per each)
\$ 5.00 (Group 2-Item 26/per each)
No Charge (Group 2-Item 27/per each)
No Charge (Group 2-Item 28/per each)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
Benjamin J. Schultz, Jr.	T & E Oil Co, dba Pantry Plus #20	233 South Maize Road
Benjamin J. Schultz, Jr.	T & E Oil Co, dba Pantry Plus #19	10304 West 13 th North

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 5 to 0. (Fearey, Lambke; absent)

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PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a. Reconstruction of Orme/Belmont Intersection (Orme and Belmont) (472-83229/702221 /401237) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$34,791.88
- b. 2001 Sanitary Sewer Rehabilitation Program, Phase E (north of Central, east of Broadway) (468-83259/620321/661445) Traffic to be maintained during construction using flagpersons and barricades. (District II & VI) - \$245,000.
- c. Lateral 3, Main 3, Northwest Interceptor Sewer to serve The Lochs at Aberdeen (north of 21st Street North, east of 119th Street North) (468-83219/743870/480558) Does not affect existing traffic. (District V) - \$230,000.
- d. Lateral 22, Main 13, War Industries Sewer to serve One Kellogg Place 2nd Addition (south of Kellogg, east of Greenwich) (468-83235/743871/480559) Does not affect existing traffic. (District II) - \$233,000.
- e. Water Distribution System to serve One Kellogg Place 2nd Addition (south of Kellogg, east of Greenwich) (448-89563/735016/470686) - \$296,451.
- f. Central Kansas Railway – Bayley Street (715540/472-83032) - \$2 million (amended).

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 5 to 0. (Fearey, Lambke; absent)

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Pedestrian Access Easement, dated March 9, 2001, from Joe H. Lee, President, Leewood Homes, Inc. for tracts of land in Lots 8 and 9, Block 1, Cedar View Second Addition, and addition to Wichita, Sedgwick County, Kansas (Private Project). No cost to City.
- b) Utility Easement, dated May 24, 2001, from Ridge Port Group, L.L.C., a Kansas Limited Liability Company, for tracts of land in Lot 1, Block G, and Lots 6 and 7, Block F, Ridge Port North 3rd Addition, and addition to Wichita, Sedgwick County, Kansas (OCA #743858). No cost to City.
- c) Utility and Drainage Easement, dated May 29, 2001, from Savannah Place Apartments, L.L.C. for a tract of land in Lot 1, Savannah Place Addition, Wichita, Sedgwick County, Kansas (OCA #751296). No cost to City.
- d) Utility and Drainage Easement, dated May 29, 2001, from Savannah Place Apartments, L.L.C. for tracts of land in Lots 1 and 2, Savannah Place Addition, Wichita, Sedgwick County, Kansas (OCA #751296). No cost to City.
- e) Water Easement, dated May 29, 2001, from Savannah Place Apartments, L.L.C. for a tract of land in Lot 1, Savannah Place Addition, Wichita, Sedgwick County, Kansas (OCA #735014). No cost to City.
- f) Sanitary Sewer Easement, dated May 8, 2001, from Royal Scottish Co., Inc. for a tract of land in the NW 1/4 of Sec. 3, Twp. 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (Greenwich Heights Sewer, OCA #607853). No cost to City.

Motion --

-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

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PETITIONS

PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEM TO SERVE HARRISON PARK SECOND ADDITION – EAST OF WEBB, NORTH OF LINCOLN. (District II)

Agenda Report No. 01-0753.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to a new residential development, located along Red Oaks Circle, north of Morris.

The Petitions total \$294,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent)

RESOLUTION NO. 01-251

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89587 (east of Webb, north of Lincoln) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-252

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 307, Four Mile Creek Sewer (east of Webb, north of Lincoln) 468-83275 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-253

A Resolution of findings of advisability and Resolution authorizing improving of Morris, from the east line of Lot 53, Block 1, Harrison Park Second Addition to the west line of Lot 30, Block 1, Harrison Park Second Addition; Red Oaks Circle; from the north line of Morris to and including cul-de-sac (Lots 30-53, Block 1); and Red Oaks from the south line of Morris to the south line of Lot 1, Block 1, Harrison Park Second Addition (east of Webb, north of Lincoln) 472-83394 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

PETITION

PETITION FOR SANITARY SEWER TO SERVE 127TH RETAIL ADDITION – WEST OF 127TH STREET EAST, SOUTH OF CENTRAL. (District II)

Agenda Report No. 01-0754.

The Petition has been signed by four owners, representing 100% of the improvement district. It will be part of the Four Mile Creek sewer system that has been acquired by the City of Wichita from Sedgwick County government.

This project will provide sewer service to a commercial development at the southwest corner of 127th Street East and Central.

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The Petition totals \$35,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent)

RESOLUTION NO. 01-254

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 308, Four Mile Creek Sewer (south of Central, west of 127th Street east) 468-83277 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

PETITION

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE W.H.H. ADDITION – SOUTH OF 27TH STREET SOUTH, WEST OF SENECA. (District IV)

Agenda Report No. 01-0755.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide sewer service to an infill residential development located south of 27th Street South, east of Millwood.

The Petition totals \$24,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent)

RESOLUTION NO. 01-255

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 49, Main 2, Sanitary Sewer No. 22 (south of 27th Street South, west of Seneca) 468-83266 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 01-0783.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1. Oldtown Farm and Art Market - Concerts on the Plaza
Friday, June 22, 2001, 4:00 a.m. to 12:00 noon, Sunday, June 24, 2001

-And-

Friday, June 29, 2001, 4:00 a.m. to 12:00 noon, Sunday, July 1, 2001

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- Mosley Street from First Street to Douglas
- 2. Celebrate 2001 – Fourth of July Celebration
Tuesday, July 3, 2001, 7:00 p.m. to 11:00 p.m., Wednesday, July 4
- McLean Boulevard from Douglas to Maple
July 4, 2001, 6:00 p.m. to 11:00 p.m.
- Westbound Lewis closed at Wichita
- Eastbound Maple closed at Sycamore
- Northbound McLean Blvd. Closed at Taft

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0. (Lambke absent)

-- carried

CDBG

CDBG CONTRACT – COMMUNITY HOUSING SERVICES WICHITA/SEDGWICK COUNTY.

Agenda Report No. 01-0756.

In program years 1995, 1996 and 1997, \$150,000 in CDBG funds was allocated to Community Housing Services for a revolving housing loan program targeted to the Northeast and North Central Local Investment Areas. The breakdown for each year was \$50,000 administration and \$100,000 for the revolving loan program, totaling \$450,000 with \$300,000 available for loans. The contract for the 2000/2001-program year was revised to reflect a \$100,000 reduction in unexpended funds from the 1997 program year. With program income (loan re-payments), a total of \$200,000 remains available to Community Housing Services for loans.

The contract between the City of Wichita and Community Housing Services of Wichita/Sedgwick County provides an agreement for the continued use of revolving loan funds for Home Rehabilitation Loans, Home Ownership Loans and Refinance/Rehabilitation Loans.

The \$200,000 revolving loan fund budget plus any receipts from loan re-payments (program income) will enable the processing of additional rehabilitation loans in the Northeast and North Central Local Investment Areas during the term of this contract.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

ENGINEER SERV.

SUPPLEMENTAL – CONSTRUCTION ENGINEERING SERVICES FOR MAPLE – MAIZE TO 135TH STREET WEST. (District V)

Agenda Report No. 01-0757

On February 9, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for the design of Maple from Maize to 135th Street West. On October 12, 1999, the City Council approved Supplemental Agreement Number 1, which required SRB to design minor relocations of a sixteen-inch water line in Maple between Maize and 119th Street West. On June 27, 2000, the City Council approved Supplemental Agreement Number 2, which required SRB to design a new bridge on Maple between 135th Street West to 119th Street West. On December 12, 2000, the City Council approved Supplemental Agreement Number 3, which required SRB to provide construction engineering services for the landscaping on Maple from Maize to 119th Street West. On January 23, 2001, the City Council

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approved Supplemental Agreement Number 4, which required SRB to design a 24" water line in Maple between 135th Street West to 119th Street West.

The proposed Supplemental Agreement between the City and SRB provides for construction engineering services for the landscaping (Phase 3 – sodding) on Maple from Maize to 119th Street West. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment for this Change Order will be on a lump sum basis of \$1,760 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LIME SLUDE

LIME SLUDGE REMOVAL – WATER AND SEWER DEPARTMENT.

Agenda Report No. 01-0758.

The City uses lime in its water treatment process to soften water. The lime reacts with the soluble calcium hardness in the water to form a carbonate precipitate. This carbonate precipitate (lime sludge) has been disposed of at the City's lagoon located at 29th Street North and West Street, since 1979. Since 1985, an agricultural lime service company has had an agreement with the City to remove liquid lime sludge from the lagoon, at no cost to the City, and then use it as a soil conditioner. Since 1995, there has been an additional contractor who has removed the lime sludge after it has dried, and that contractor has been paying for the dried sludge.

Lime sludge is created daily by the water treatment process. Before 1979, the City disposed of lime sludge by discharging it into the Arkansas River. However, the adoption of the Clean Water Act in the early 1970's made this practice unacceptable. The first lime sludge lagoon was completed in 1978. Since 1985 an agricultural services company has successfully marketed the use of the City's lime sludge as a soil conditioner through a process of land application of the lime sludge. The removal of the lime sludge has allowed the City to delay the construction of additional lagoons, and has extended the life of the storage site.

On April 14, 2001, the City issued a Request for Proposals for the opportunity to remove the lime sludge. The proposal could be for the removal of only liquid sludge, only dried sludge, or for both. On April 20, 2001, the City received two proposals. Based on the projected quantity to be removed, the amount to be paid for each type of sludge, and the minimum annual payment, it is recommended that the proposal from Ag Services, Inc. be approved. Ag Services has agreed to pay \$0.55 per ton for the liquid lime sludge, \$1.10 per ton for the dried lime sludge, and to give the City a minimum payment of \$15,000 per year.

Ag Services has offered to pay \$0.55 per ton for the liquid lime sludge, \$1.10 per ton for the dried lime sludge, and to give the City a minimum payment of \$15,000 per year.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DEFERRED COMP

AMENDMENT – DEFERRED COMPENSATION PROGRAM.

Agenda Report No. 01-0759.

The City Council approved the original contract to Great West Life & Annuity Insurance Company to be the provider for the Deferred Compensation Program on July 23, 1996. The current contract will expire on June 30, 2001. A Request for Proposal was sent out on March 22, 2001 to 34 vendors with a due date of April 20, 2001. Fifteen (15) proposal responses were received.

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An evaluation team is reviewing the proposals and interviewing the selected vendors. A 90 day contract extension is required to complete the evaluation of the request for proposal responses.

Sufficient funds are budgeted for 2001.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WATER SALES TAX

SUPPLEMENTAL AGREEMENT – PROFESSIONAL SERVICES FOR WATER DEPARTMENT SALES TAX CASE.

Agenda Report No. 01-0760.

In 1994, the Kansas Department of Revenue audited sales and compensating use tax payments by the City's water utility. The City sought expert advice on sales tax issues and strategy to deal with the audit. The City retained the Morris Laing law firm which is experienced in sales tax matters. The Department of Revenue subsequently made assessments against the City and in March of 1996, the City Council approved a supplemental agreement for additional legal services in connection with appeal of the assessments, authorizing the expenditure of \$50,000 in addition to the \$9,999 amount of the original contract. The City's administrative appeal to the Director of Revenue's Designee necessitated additional legal services, and on July 15, 1997, the Council approved a supplemental agreement for additional services not to exceed \$12,000 in cost. In December of 1997, the Council approved an additional \$6,000 in supplemental funding, which has brought the largest issues in the case to a point of decision in the Court of Appeals, although a series of smaller issues (dealing with various fees, charges and interdepartmental transfers) are still pending before the Board of Tax Appeals ("BOTA"), to be heard the week of October 8, 2001. Either party will have the ability to appeal from BOTA to the Court of Appeals.

By the Supplemental Agreement, the City of Wichita will continue to use the services of the Morris Laing law firm to provide legal advice and representation in the pending tax appeal.

The Supplemental Agreement is for a not-to-exceed sum of \$25,000 in addition to the aggregate \$77,999 established by the original contract and prior supplemental agreements. These services will be paid out of the Water Utility operating budget.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

WESTLAW

WESTLAW – LEGAL RESEARCH DATA SERVICE.

Agenda Report No. 01-0761.

Problems have developed with the Law Department's subscription to the West CD research system because of the inability to implement online updates (covered by the subscription), and growth in the number of CDs has made it impossible to have all the data sets loaded on the server at the same time. Law Department has also been advised that West Group will be progressively raising prices on the CD service as users move to online plans, and that the service will eventually be eliminated. As a result, the Law Department is requesting to move to flat-rate online packages, to avoid the CD price increases that will take effect July 1, 2001.

The two online packages are designed to provide broad legal research access to the City Attorneys, with a narrower, more Kansas-focused package for the other group of attorneys. These services cover a twelve-month subscription period, and will replace existing Westlaw and CDROM access arrangements, at a cost which should be between \$1,000 and \$2,000 less than the actual 2000 expenditures for CDROM/Westlaw access.

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Funds for the online packages will be derived by reapplying the amounts budgeted in the Tort Fund and Law Department budgets for the existing Westlaw and CDROM accesses. At the end of the subscription period, rates and coverage will be renegotiated within available budget.

The new online arrangements will provide current information on legal developments more efficiently, and at a lower costs than the existing Westlaw/CDROM arrangements.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ORPHEUM

ORPHEUM PERFORMING ARTS CENTRE CONTRACT AND AMENDMENT.

Agenda Report No. 01-0762.

On March 6, 2001, the City Council allocated \$250,000 CDBG funding to assist the Orpheum Performing Arts Centre, Ltd., in the restoration of the Orpheum Theater. The Orpheum Performing Arts Centre, Ltd., has requested a 12-month extension for the 2000 contract to use the balance of funds combined with the 2001 funding to complete the restroom renovation phase.

This is a historic challenge grant to protect and preserve this National Register historic property. The agency will provide funds on a matching basis. The grant funds will be used to complete the remodeling and fixture replacement for restrooms and restoring the vestibule area of the theater. The 2001 funding contract term is July 1, 2001 to June 30, 2002. The extension for the 2000 contract term will also be July 1, 2001 to June 30, 2002.

The 2001 contract for the Orpheum Theater is \$250,000 and is funded in the approved 2001 CDBG budget. The balance of funds for the 2000 contract is \$172,442. The matching funds requirement for 2000 funding has been met. The unexpended 2000 funds in the amount of \$172,442 will be combined with approximately \$150,000 of the 2001 funding to complete the restroom renovation phase.

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

GILBERT/MOSLEY

SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES – GILBERT AND MOSLEY.

Agenda Report No. 01-0763.

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a large number of responsible parties has resulted in significant legal services for depositions, document production, motions, and other litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation to recover costs from responsible parties. This agreement also provides for payment of the expert witnesses in the litigation, which are retained by the law firm.

This supplemental agreement provides authority for an additional \$750,000 in legal services and related expenses. These services will be paid out of the Gilbert & Mosley TIF.

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Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HARDSHIP LIENS

RELEASE OF HARDSHIP DEFERRAL LIENS.

Agenda Report No. 01-0764.

During the past year, various property owners applied for Special Assessment Hardship Deferrals to defer payments of special assessments and water plant equity fees. Each property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

Hardship Deferral Program guidelines state that if property ownership changes, the assessment will be paid or put back on the tax roll.

One of the assessments has been paid-in-full and seven have been put on the tax roll for 15 years beginning 2001.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that the Releases be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

SIDEWALK PGM

2000/2001 ARTERIAL SIDEWALK AND WHEELCHAIR RAMP PROGRAM.

(Districts I, III, and V)

Agenda Report No. 01-0765.

On September 26, 2000, the City Council approved the 2000/2001 Arterial Sidewalk and Wheelchair Ramp Program. Each year \$50,000 is allocated for constructing sidewalks along arterial streets. Because of favorable bid prices, funding is available (within the existing budget) to construct additional sidewalks. In order to construct sidewalks at the proposed locations, it will be necessary to add these locations to the bond financing Ordinance.

The proposed additional locations are:

Harry, from Hydraulic to 265' east of Hydraulic	(District I)
Webb, from 828' south of Kellogg to Kellogg	(District II)
Mt. Vernon, from Lexington to Woodlawn	(District III)

The total budget for the 2000/2001 program is \$680,000. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be approved and the Ordinance be placed on first reading. Motion carried 5 to 0. (Fearey, Lambke; absent)

ORDINANCE NO.

An Ordinance declaring Rock Road from 13th Street North to Polo; Oliver, from Morris to Gilbert; Lincoln, from Bluffview to Oliver; 25th Street North, from Amidon to Garoand; Harry, from Hydraulic to 265 feet east of Hydraulic; Webb, from 828 feet south of Kellogg to Kellogg; Mount Vernon, from Lexington to Woodlawn; and wheelchair ramps at various locations (2000/2001 Arterial Sidewalk an wheelchair ramp program) 472-83270 to be main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficways; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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GO BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 203) AND GENERAL OBLIGATION BOND SALE (SERIES 766).

Agenda Report No. 01-0766.

The City is planning to offer for sale one series of general obligation temporary notes totaling \$75,000,000, and one series of general obligation bonds totaling \$6,980,000 for the purpose of providing temporary and permanent financing for capital improvement projects of the City. The public sale of the bonds and notes is scheduled for 10:30 a.m. on July 17, 2001, at which time sealed bids will be opened and the City Council will award the sale of each series of bonds and notes to the bidders whose proposed interest rates will result in the lowest overall cost to the City.

The City's Summer 2001 general obligation bond and note sale includes the following issues:

Temporary Notes

The proceeds from the sale of the Series 203 Temporary Improvement and Renewal Notes will be used to provide interim financing for the following various categories of City-at-large and improvement district projects:

Series 203

Project Category	Total
Arterial Paving	\$ 2,929,800
Bridges	240,000
Public Improvements	3,003,000
Park	1,050,700
Neighborhood Improvements – Water	3,330,000
Neighborhood Improvements - Sewer	1,648,000
Neighborhood Improvements - Storm Sewer	1,275,000
Neighborhood Improvements – Paving	12,073,500
Storm Water Utility	250,000
Freeways	46,000,000
Gilbert/Mosley	<u>3,200,000</u>
TOTAL SERIES 203 NOTES	\$75,000,000

“Special Assessment Bonds”

The proceeds from the sale of the Series 766 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. Special assessments have been levied against the property owners in the improvement districts for the purpose of paying all or a portion of the costs of such improvements, including the payment of principal and interest on Series 766 Bonds. The Special Assessment Bonds will be issued in the par amount of \$6,980,000.

Beginning in 2001, the sale of bonds and notes will be awarded based on the bid with the lowest true interest cost, or “TIC”. Using TIC to calculate the bids, accounts for the time value of money. The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in a municipality saving money because TIC does not ignore the timing of interest payments.

The Series 203 Temporary Notes will mature on February 21, 2002 and will be retired using the proceeds of both permanent financing bonds and renewal notes.

Series 766 Special Assessment Bonds will mature serially over 15 years with principal maturities structured to produce level annual payments of principal and interest. The Series 766 Bonds are payable from the collection of special assessments levied against benefited properties, and if not so paid, from city-wide ad valorem taxes. The special assessment bonds will be callable in 2008 with a 1% call premium.

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A Resolution authorizing the sale of the series of temporary notes and the series of bonds, approving the Preliminary Official Statement and directing the publication and distribution of Notices of Bond and Note Sale, has been prepared by the City's Bond Council as required by law.

Motion --

Knight moved that the Resolution authorizing general obligation bond and note sales be adopted and the Notice of Bond Sale and Notice of Note Sale be published as required by law. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

RESOLUTION NO. 01-271

A Resolution of the City of Wichita, Kansas, authorizing and providing for the public sale of general obligation renewal and improvement temporary notes, Series 203 and general obligation bonds, Series 766 of the City; and providing for the giving of notice of the public sale, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

DRUG FREE GRANT SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES GRANT. (District I)

Agenda Report No. 01-0767.

In the Fall of 2001, the Department of Park and Recreation will implement a new program (for youth ages 8 – 13) that will combine sports activities with mentoring and education workshops. The new program, ESTEEM (Education, Sports, Teamwork, Encouragement, Empowerment and Mentoring), will be greatly enhanced by becoming a year-round program, and will be held at both Lynette Woodard and McAdams Recreation Centers.

The Governor's Discretionary Portion of the Federal Safe and Drug-free Schools and Communities Act has grant funds available through the Kansas Attorney General's Office for programs designed to deter crime and drug use by youth. The Department of Park and Recreation's program ESTEEM will be directed to underserved youth in the Northeast portion of Wichita who are not normally served by other state or local agencies. The year-round program (serving youth ages 8 – 13) will combine sports activities with education and mentoring. Funds from the Safe & Drug-free Schools and Communities grant will allow the department to secure personnel to provide education, counseling sessions, and administration services. The program will depend on community volunteers to interact with the youth and act as role models. The Wichita Police Department, YMCA, Boys and Girls Club and area churches have all expressed an interest in participating in the program.

Grant funds in the amount of \$100,000 will cover the cost of personnel and operating costs for the program.

Motion --

Knight moved that the application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

VOCA GRANT FEDERAL VICTIMS OF CRIME ACT (VOCA) GRANT APPLICATION.

Agenda Report No. 01-0768.

The Federal Victims of Crime Act (VOCA) crime victim assistance grant program is administered by the Kansas Attorney General's Office. VOCA funds are available to public agencies and private not-for-profit organizations that provide direct services to crime victims. The Wichita Police Department works closely with several victim services agencies including the Wichita Area Sexual Assault Center, YWCA of Wichita, Catholic Charities, U.S. Attorney's Victim Assistance Office, the District Attorney's Victim Assistance Office and many others. Two major victim assistance service gaps have been identified (especially prior to prosecution commencing, and for cases which are never prosecuted) involving: 1) primary and secondary victims of violent crime, including death cases; and 2) elderly victims of burglary. VOCA funds are available for personnel and training expenses, and associated commodity and contractual costs.

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The Wichita Police Department is seeking to establish a Victim Assistance Unit by obtaining Victims of Crime Act (VOCA) funding. The unit would be staffed by two civilian employees and would be responsible for providing direct victim assistance and working with established victim assistance providers. The unit would also be responsible for facilitating a coordinated response to the needs of violent crime victims and elderly burglary victims; developing and implementing training programs (internally and externally), and administering a small contingency fund to meet the emergency needs of crime victims.

The grant application seeks full funding to establish a Victim Assistance Unit within the Investigations Division of the Police Department. The grant cycle runs from October 1, 2001, through September 30, 2002. The total budget request is \$138,012, which is broken down as follows:

Salary and benefits for two positions	\$ 84,545
Program Coordinator	
Victim Advocate	
Contractuals	\$ 19,295
telephone lines/instruments, computer access, cell phones, vehicle rental/insurance, printing, postage, memberships, travel/training	
Commodities	\$ 19,572
computers, software, pagers, portable radios, office supplies, victim resource fund	
Capital Outlay	\$ 14,600
unmarked four-door sedan	
Total Grant Budget	\$138,012
Federal VOCA request (80% of proposed project)	\$110,410
Agency match (20% of proposed project)	\$ 27,602

The agency match will be provided from contingency funds in the department's Narcotics Seizure Accounts.

Motion --
-- carried

Knight moved that the grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

SHELTER GRANT

KANSAS EMERGENCY SHELTER GRANT APPLICATION.

Agenda Report No. 01-0769.

The State of Kansas receives Emergency Shelter Grant funds under the Stewart B. McKinney Homeless Assistance Act. These funds are awarded to local units of government on behalf of homeless service providers throughout the state.

The Kansas Department of Commerce and Housing issued a Notice of Funding Available (NOFA) for the 2001 Kansas Emergency Shelter Grant Program (KESGP). Private non-profit agencies are eligible to receive the funds; the application must be submitted by the local governmental entity.

The KESGP funding is competitive on a statewide basis. The projects included in this application will be evaluated against all projects submitted by other city and county governments throughout the state.

The grant application includes funds for the following agencies and activities:

- Catholic Charities Anthony Family Shelter and Emergency Services - Funds are requested for operating and maintenance costs of \$8,602.
- Catholic Charities Harbor House - Funds are requested for operating and maintenance costs of \$6,000.

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- Interfaith Inn - Funds are requested for conversion of a storeroom to an educational area (\$10,000), Operations (15,550), and Essential Services for supportive service personnel such as case managers (\$27,500).
- IFM Safe Haven - Funds are requested for operations (25,800), and Essential Services for supportive service personnel such as case managers (\$7,500).
- Salvation Army Emergency Lodge - Funding is requested for \$22,000 for operating costs of the emergency shelter.
- Center of Hope - \$20,000 is requested for rent and utility assistance.
- United Methodist Urban Ministry is requesting \$30,000 for partial cost to convert an office building into a new daytime drop-in center.
- YWCA Women's Crisis Center - Funds are requested for operation of the shelter (\$3,000) and essential services such as transportation of residents (2,400).
- StepStone is requesting \$20,000 to modify one of its existing homes to be ADA compliant, operating funds in the amount of \$1,600, Essential Services funding of \$4,780 to pay part of a case manager's salary, and \$2,000 to assist participants in their program with utilities to prevent shut-off.
- City of Wichita - The City is allowed 2.5% for administration. The requested amount is \$5,301.

The total amount of the requests is \$212,033. Each of the agencies has committed to providing the required matching funds. A total of \$850,000 is available for the State of Kansas.

Motion --
-- carried

Knight moved that the grant application and receipt of funds be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

BUDGET ADJ.

BUDGET ADJUSTMENT – GILBERT AND MOSLEY TIF.

Agenda Report No. 01-0770.

The ground water clean-up construction for Gilbert & Mosley has been initiated to install ground water extraction wells and remediation equipment. As this construction work moves forward other related activities also continue; cost recovery litigation, source area remediation designs, and ground water compliance monitoring. The majority of this effort is through contractual agreements with Camp Dresser & McKee (CDM) and Stinson, Mag & Fizzell.

Based on the current construction schedule, expenses will be generated during this fiscal year for construction of the system in addition to the contractual services such as; consulting, designing, construction management for all portions of the remediation system, and continued litigation support. A majority of the anticipated expenses will be contractual, not capital outlay. In order to address anticipated contractual costs staff requests a budget adjustment in the amount of \$2,000,000 to be transferred from (OCL 4611) to OCL 2503 and 2506. This transfer will cover projected project costs incurred by the construction contractors and outside legal counsel for the project thus providing funding in the appropriate budget categories to allow the project to remain on schedule.

The Finance Department recommends this budget adjustment and has determined that funds are available for the transfer within the current budget.

Motion --
-- carried

Knight moved that the budget adjustment transferring \$ 2,000,000 from within the Gilbert and Mosley budget OCA 148557 from (OCL 4611) to (OCL 2503 & 2506) be approved. Motion carried 5 to 0. (Fearey, Lambke; absent)

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WATER CIP

WATER CAPITAL IMPROVEMENT PROGRAM.

Agenda Report No. 01-0771

On June 5, 2001, the City Council approved an Agreement to provide water to the City of Derby. The primary consideration in negotiating the Agreement was the protection of existing Wichita ratepayers from adverse financial impact.

A unique consideration that is related to the City of Derby Agreement is the need for significant improvements that are required for the provision of the service. Estimates are that \$8.5 million is required to make overall system improvements necessary to supply water to Derby. This includes \$5.7 million to provide service to Derby via a 30" supply line from Dayton Street to the point of connection at 63rd St. South.

Prior wholesale agreements have had the stipulation that a customer directly pay the entire cost of the transmission line, and that the transmission line become the property of the wholesale customer. In Derby's case, the distance that the transmission line would traverse makes it desirable for Wichita to retain ownership. Additionally, Derby's wishes were to have Wichita finance all related system improvements.

The Agreement contains a 100% "take-or-pay" provision as a financing mechanism for the system improvements. The obligation of Derby to "take or pay" for 100% of the annual contracted volumes, as specified in the Schedule of Projected Water Usage, is unconditional throughout the twenty-year term of the Agreement. Staff analysis indicates that the cash flow projection tied to this revenue stream is adequate to fund the amortization of debt associated with the system improvements.

No rate increases are associated with this project, even though installation of the water transmission line to connect to Derby's water system requires the Utility to spend \$5.7 million sooner than it would have otherwise. Also, a projected 5% increase in the year 2009 has been eliminated due to anticipated revenue from Derby.

Motion --

Knight moved that the project and amended CIP (accelerating several projects in the Water Master Plan and consolidating them as W-844, Southeast Transmission Line) be approved; and the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

RESOLUTION NO. 01-272

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$5.7 million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

PROPERTY ACQ.

ACQUISITION OF PORTION OF 505 NORTH ROCK ROAD. (District II)

Agenda Report No. 01-0772.

In July 1998, the City Council approved a resolution authorizing the improvement of the intersection of Central and Rock Road as part of the 1998-1999 Traffic Corridor Improvement Program. In early 2001, staff was instructed to initiate formal acquisition of all tracts required for the project. One parcel required is a portion of 505 North Rock Road.

The required easements were appraised at \$14,740. This amount was offered to and accepted by the owner. The City will also be responsible for moving their sign and remediation of any damage to site improvements.

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A budget of \$15,500 is requested. This includes \$14,470 for the acquisition and \$1,030 for title insurance and closing costs. Any remediation costs will be borne as a cost of the project.

Motion --
-- carried

Knight moved that the budget and Contracts be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

STREET LIGHTING

STREET LIGHTING RESOLUTION NO. 1-01.

A Resolution authorized and directing Kansas Gas and Electric, a Western Resources Company, to install and/or change certain streetlights in the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 12, 2001)

- a) Acquisition of Urban Renewal property.

ORDINANCE NO. 44-994

An Ordinance providing for the acquisition by eminent domain of certain private property, in connection with the redevelopment of a portion of the Old Town area in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Yeas: Brewer, Gale, Martz, Pisciotte, Knight.

- b) DR2001-05 – street name assignment – Boston Heights. (District I)

ORDINANCE NO. 44-995

An Ordinance assigning the name of Boston Heights to an alley located north of Harry and west of Broadway, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Yeas: Brewer, Gale, Martz, Pisciotte, Knight.

- c) ZON2001-00022 – zone change – southeast corner of Douglas/Edwards intersection (District IV)

ORDINANCE NO. 44-996

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Yeas: Brewer, Gale, Martz, Pisciotte, Knight.

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First Reading Ordinances:

- a) CSBG Review Committee Ordinance Amendments.

ORDINANCE

An Ordinance amending Sections 2.12.820 and 2.12.830 of the Code of the City of Wichita, Kansas, pertaining to community service block grant review committee-powers-authority-composition-appointment-qualifications and repealing the originals of said sections pertaining to the Community Services Block Grant Review Committee, introduced and under the rules laid over.

- b) Revised Ordinance - Issuance of Hospital Facilities Improvement and Refunding Revenue Bonds – Via Christi. (Districts II, III, and VI)

An Ordinance authorizing the City of Wichita, Kansas to issue its hospital facilities improvement and refunding revenue bonds (Via Christi Health System, Inc.) in the aggregate principal amount of not to exceed \$183,000,000 for the purposes of refunding certain outstanding Hospital Revenue Bonds and constructing and equipping certain additions to existing hospital facilities; prescribing the form and authorizing execution of a bond indenture by and between the city and Intrust Bank, N.A., as Bond Trustee; prescribing the form and authorizing the execution of a Second Supplemental Restated and Amended Lease by and between Via Christi Regional Medical Center, Inc. and the City; prescribing the form and authorizing the execution of a Second Supplemental Sublease and Obligation No. 3A by and between the City and Via Christi Regional Medical Center, Inc.; prescribing the form and authorizing the execution of a First Supplemental Lease by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of a First Supplemental Sublease and Obligation No. 3B by and between the City and Mt. Carmel Medical Center, Inc.; prescribing the form and authorizing the execution of an Escrow Deposit Agreement by and among the City, Via Christi Health System, Inc., Via Christi Regional Medical Center, Inc. and Intrust Bank, N.A.; approving the form of Guaranty Agreement and Obligation No. 3AA by and between Via Christi Regional Medical Center, Inc. and the Bond Trustee; approving the form of Guaranty Agreement and Obligation No. 3BB by and between Mt. Carmel Medical Center, Inc. and the Bond Trustee; authorizing execution of a Tax Compliance Agreement by and among the Issuer, the Bond Trustee and Via Christi Health System, Inc.; prescribing the form and authorizing the execution of a Bond Purchase Agreement by and among the City, Via Christi Health System, Inc. and Salomon Smith Barney Inc., as purchaser of the 2001 Bond introduced and under the rules laid over.

PLANNING AGENDA

VAC2001-00001

VAC2001-00001 – VACATE ALLEY RIGHT-OF-WAY GENERALLY LOCATED BETWEEN CLEVELAND AND INDIANA STREETS. (District I)

Agenda Report No.01 -0775.

The applicants on both sides of the alley are requesting to vacate the alley for future development.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to retaining the alley and it's right-of-way as a utility easement, with an additional 5 feet dedicated the length of the alley and the access issue approved by the Fire Department adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order and dedication of utility easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order and Dedication be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

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VAC2001-00018

VAC2001-00018 – VACATE TWO SIXTEEN-FOOT UTILITY EASEMENTS AND A TEN-FOOT KG&E EASEMENT GENERALLY LOCATED NORTHEAST OF WEST STREET AND UNIVERSITY. (District IV)

Agenda Report No. 01-0776.

The applicant is requesting consideration to vacate two 16-ft utility easements and a 10-ft KG&E Easement. The applicant proposes to demolish existing development and redevelop the site. The redevelopment of this property (a Taco Bell spanning Lots 26 & 25, a combination Blockbuster and retail spanning Lots 34 & 33 and Lots 42 & 41) will encroach on the three easements. The easements are not dedicated on the plat (The Quincy Addition, recorded 03-05-1887), but dedication by separate instruments; the two 16-ft utility easements dedicated to the City of Wichita, 06-15-1951 and the 10-ft urban easement to KG&E, 01-21-1964.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to the dedication of a 20- foot utility easement. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

SUB2000-90

SUB2000-90 – PLAT OF SPURRIER'S SUNSWEPT ACRES SECOND ADDITION LOCATED ON THE EAST SIDE OF GREENWICH, NORTH OF PAWNEE. (District II)

Agenda Report No. 01-0777.

This plat is zoned SF-20, Single-Family Residential and is located within three miles of the City of Wichita.

City water services are available to the site. Petitions, all 100%, have been submitted for sanitary sewer and drainage improvements. A Certificate of Petitions has also been submitted. An Outside-the-City Water Agreement has also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Document and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-256

A Resolution of findings of advisability and Resolution authorizing , construction of Lateral 306, four Mile Creek Sewer (east of Greenwich, north of Pawnee) 468-83270, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-257

A Resolution of findings of advisability and Resolution authorizing construction of storm Water Drain No. 169 (east of Greenwich, north of Pawnee) 468-83271 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

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SUB2001-25

SUB2001-25 – PLAT OF MEL HAMBELTON ADDITION LOCATED ON THE SOUTHEAST CORNER OF 119TH STREET WEST AND KELLOGG. (District V)

Agenda Report No. 01-0778.

This site is zoned LI, Limited Industrial.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. To provide for shared access between Lots 1 and 2, and between Lots 3 and 4, a joint access easement was provided. In order to assure internal access among the lots of this Addition, a cross-lot circulation agreement has been provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions, joint access easement, cross-lot circulation agreement, and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-258

A Resolution of findings of advisability and Resolution authorizing improving of Water Distribution system Number 448-89588 (east of 119th Street West, south of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-259

A Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89589 (east of 119th Street West, South of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-260

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 34, Main 1, Cowskin Interceptor Sewer (east of 119th Street West, south of Kellogg) 468-83268 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-261

A Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 170 (east of 119th Street West, south of Kellogg) 468-83269 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-262

A Resolution of findings of advisability and Resolution authorizing improving of Kellogg Drive from the west line of the plat to the east line of the plat (east of 119th Street West, South of Kellogg) 472-83386 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-263

A Resolution of findings of advisability and Resolution authorizing improving of accel/decel lane improvements on the east side of 119th Street West from the south line of Lot 1, Mel Hamblton Addition, north to Kellogg Drive (east of 119th Street West, south of Kellogg) 4702-83387 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

SUB2001-42

SUB2001-42 – PLAT OF SMITHMOOR TENTH ADDITION LOCATED SOUTH OF HARRY, ON THE WEST SIDE OF GREENWICH. (District II)

Agenda Report No. 01-0779

This site is zoned SF-6, Single-Family Residential.

Petitions, all 100%, have been submitted for sanitary sewer, water and paving improvements. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the Document and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-264

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system Number 448-89594 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-265

A Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89595 (south of Harry, west of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-266

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 309, Four Mile Creek Sewer (south of Harry, west of Greenwich) 458-83281 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-267

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 309, Four Mile Creek Sewer (south of Harry, west of Greenwich) 468-83282 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-268

A Resolution of findings of advisability and Resolution authorizing construction of Lateral 311, Four Mile Creek Sewer (south of Harry, west of Greenwich) 468-83283 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-269

A Resolution of findings of advisability and Resolution authorizing improving of Funston, from the west line of Lot 37, Block 2, to Greenwich Road; Derrick Circle, north of Funston including the cul-de-sac; Justin Circle, north of Funston including the cul-de-sac (south of Harry, west of Greenwich) 472-83396 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-270

A Resolution of findings of advisability and Resolution authorizing improving of Funston, from Smithmoor to the west line of Lot 37, Block 2; Pierce Circle, north of Funston including the cul-de-sac; Leanne Lane, north of Funston including the cul-de-sacs; Smithmoor Street, south of the north line of Lot 1, Block 2, including the cul-de-sacs; Bluestem Circle, east of Smithmoor including the cul-de-sac (south of Harry, west of Greenwich) 472-83397 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 5 to 0. (Fearey, Lambke; absent) Ayes: Brewer, Gale, Martz, Pisciotte, Knight.

ZON2001-00019

ZON2001-00019 – ZONE CHANGE FROM LIMITED COMMERCIAL AND SINGLE-FAMILY RESIDENTIAL (SF6 AND SF20) TO LIMITED COMMERCIAL; AND CUP2001-00013/DP-250 – REQUEST FOR AMENDMENT AND EXPANSION OF THE NORTHRIDGE PLAZA COMMUNITY UNIT PLAN, AMENDMENT NO. 1, LOCATED ON THE NORTHWEST CORNER OF RIDGE ROAD AND 37TH STREET NORTH. (District V)

Agenda Report No. 01-0780.

The applicant is requesting to amend DP-250 Starwest C.U.P. and expand it to include 26.97 additional acres to the north. The additional land consists of 11.45 acres to the north that was approved on March 30, 2000 by MAPC as DP-253 Kaylor C.U.P. and 15.52 more acres farther to the north and west. The expanded C.U.P. would be renamed DP-250 Northridge Plaza Community Unit Plan, and would be 55.47 acres in size. It would extend for over half the distance from 37th Street North to K-96 and would include a portion of the Big Slough North as its western boundary.

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The C.U.P. is associated with a zone change request from "SF-20" Single-Family and "SF-6" Single-Family to "LC" Limited Commercial for the additional 27 acres. Proposed uses are all those allowed in the "LC" district except adult entertainment establishments, group homes, group residential, halfway houses, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor would be allowed as long as food was the primary service of the establishment.

The C.U.P. has two major parcels and nine outparcels: Parcel 1 - 16.01 acres, Parcel 2 - 20.29 acres, Parcel 3 - 1.45 acres, Parcel 4 - 1.01 acres, Parcel 5 - 1.11 acres, Parcel 6 - 1.11 acres, Parcel 7 - 1.34 acres, Parcel 8 - 1.14 acres, Parcel 9 - 1.51 acres, Parcel 10 - 1.53 acres, and Parcel 11 - 1.30 acres. Reserve A (7.69 acres) is reserved for drainage and open space.

The C.U.P. proposes a maximum building coverage of 30 percent, total floor area ratio of 35 percent, and maximum building height of 35 feet. Three buildings would be permitted on the two large parcels; the outparcels would be limited to one building each. Setbacks are generally 35 feet from the property line along 37th and Ridge, and 60 feet for the two large parcels along their boundaries with the outparcels and the property to the north.

All freestanding signs would be of a monument type, have a maximum height of 30 feet for Parcels 1-2 and 20 feet for Parcels 3-11, be spaced at least 150 feet apart. Proposed signage is as follows: Parcel 1 - 395 sq. ft., Parcel 2 - 300 sq. ft., Parcels 3-11 - 150 sq. ft. Signage restrictions would prohibit flashing signs (except showing time, temperature and public messages), portable signs, signs on the rear of buildings, and window display signs in excess of 25 percent of window area.

The applicant proposes all parcels share a uniform architectural character, color, texture, and the same predominant exterior building material, consisting of predominantly earth tones, and must employ materials similar to surrounding residential areas. The applicant proposes similar or consistent lighting elements, with the height of light poles to be 24 feet. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings would not be permitted.

The application area is undeveloped. Three residences are being removed from the northern portion of the proposed development.

Several new developments are located to the south of the proposed application area. DP-237 Ridgeport North C.U.P., is being developed at the southeast corner of 37th and Ridge. Medical offices, a hospital (Via Christi) and assisted living are under construction. The property immediately to the south of the application area, DP-242 Ridge Centre C.U.P. is being developed with office/commercial uses. A day care and an office building are under construction. DP-245 Catamaran Cove C.U.P. is immediately west of Ridge Centre C.U.P. This area was approved for "B" Multi-Family zoning for up to 775 apartment units.

The property north of the site has been approved for "NR" Neighborhood Retail. It is being platted as Rush Farms Addition. Another application has been filed but deferred for "LI" Limited Industrial and "LC" uses for the property that abuts K-96. The property to the east of Ridge Road is still in agricultural use except for a cell tower.

Virtually all the parcels of Northridge Plaza except three outparcels, Parcels 3, 4 and 5, are in the 100-year floodplain. (Parcels 3, 4 and 5 are in the 500-year floodplain.) The "Reserve" shown on Northridge Plaza is part of the floodway for the Big Slough North. The land west of the Big Slough North is under the same ownership as Northridge Plaza C.U.P. According to the applicant, they intend to develop this land into low-density residential use.

At the DAB #V meeting held May 7, 2001, there were questions about the impact on flooding from the development. The DAB voted (11-0) to recommend approval subject to conditions recommended by Staff.

At the MAPC meeting held May 10, 2001, the MAPC voted (13-0) to recommend approval of the rezoning and the C.U.P. amendment subject to staff recommendations.

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Motion -- Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved and the Ordinance be forwarded for first reading when the plat is forwarded to the City Council.

-- carried Motion carried 5 to 0. (Fearey, Lambke; absent)

AIRPORT AGENDA

AIRPORT

DEDICATION OF ROADWAY RIGHT-OF-WAY FOR WOODCHUCK.

Agenda Report No. 01-0781.

The City of Wichita is planning to construct a new street to serve the Learjet facility adjacent to airport property and is desirous of using 52 feet of airport land to extend Woodchuck south to Lear Jet Way. This land was acquired in 1960 with federal funds under the grants -in-aid program.

The FAA has determined that the land may be released since it is not required for the development of the airport, and the proposed use will not adversely affect the use, operation, maintenance, or development of the airport. However, certain conditions have been placed upon the approval by the FAA such as height restrictions and allocation of the funds received for the property. On March 6, 2001, the City Council agreed to these conditions and approved the payment of fair market value to the Airport Authority for the 1.5 acres of land.

Payment totaling \$58,800 has been transferred to the Airport Authority in accordance with FAA stipulations.

Motion -- Knight moved that the dedication be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

AIRPORT

BALLARD AVIATION LEASE AMENDMENT.

Agenda Report No. 01-0782.

Several months ago Ballard Aviation, d/b/a EagleMed, requested that they be able to host/provide additional services on Mid-Continent Airport. One of these services involved the maintenance of Wichita Police Department helicopters. Subsequent to the request, a meeting was held with Fixed-Base Operators from both airports to determine their interest in the activities, which are normally reserved for FBOs. Ballard Aviation's lease permits only air charter services to be provided at the facility. The request for providing the helicopter maintenance services was reviewed and concurred with by the WAAB at its June 4 meeting.

The FBO representatives had no interest in servicing Wichita Police Department helicopters; and, therefore, had no objection to the Ballard Aviation lease being amended to add permission to provide that service.

There is no financial impact on the Wichita Airport Authority.

Motion -- Knight moved that the amendment be approved and the necessary signatures be authorized. Motion carried 5 to 0. (Fearey, Lambke; absent)

-- carried

ADJOURNMENT

The City Council meeting adjourned at

Pat Burnett CMC
City Clerk